



An
Bord
Pleanála

Inspector's Report ABP-301727-18

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| Development | A change of house type and increase in number from 7 permitted to 10 proposed houses. |
| Location | Rathmill Manor, Tootenhill, Rathcoole, Co. Dublin |
| Planning Authority | South Dublin County Council |
| Planning Authority Reg. Ref. | SD18A/0074 |
| Applicant(s) | Cavan Developments |
| Type of Application | Permission |
| Planning Authority Decision | Grant subject to conditions |
| Type of Appeal | First & Third Party |
| Appellant(s) | Shane & Marion Cullinan & Others Trevor Drew Cavan Developments |
| Observer(s) | None |
| Date of Site Inspection | 17 th August 2018 |
| Inspector | Ciara Kellett |

1.0 Site Location and Description

- 1.1. The appeal site is located in Rathcoole, Co. Dublin. It is located within a housing development currently under construction known as Rathmill Manor. Rathmill Manor is located to the south-west of the village centre on the western edge of the urban area. The housing development known as Broadfield Manor lies to the north and the N7 road lies beyond that. The Killeel Road bounds the south of the development.
- 1.2. The subject site within the red-line boundary, in the housing development under construction, lies between two large wayleaves for sanitary services. There is permission for a total of seven dwellings on the site identified, 3 pairs of semi-detached dwellings and one detached dwelling facing onto 'Road Six', as part of the parent permission for the overall development of Rathmill Manor.
- 1.3. Appendix A includes maps and photos.

2.0 Proposed Development

- 2.1. It is proposed to change the house type and numbers from 7 to 10, within a development previously permitted under planning permission Reg. Ref. SD16A/0229. It is proposed to change 7 no. 3 storey, 4 bedroom houses to two terrace blocks comprising 5 no. 2 storey, 3 bedroom dwellings and 5 no. 2 storey, 2 bedroom dwellings.
- 2.2. It is proposed to provide 17 car parking spaces in an on-street arrangement including car parking at the end of the hammerhead of Road Six.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. The Planning Authority decided to grant permission subject to 12 conditions. Condition 2 states that the expiration of the permission is the same date as the parent permission, being the 3rd October 2021. Condition no.3 requires the development to comply with the conditions of the parent permission.

- 3.1.2. Condition 4 refers to changes to be made to the layout and is being appealed by the first party. Condition no.4(i)(a) requires the omission of one 'Type F' dwelling such that the terrace comprises 4 units.
- 3.1.3. Condition no.4(i)(b) requires a redesign of Type F units such that all room widths and areas comply with the requirements of the document '*Quality Housing for Sustainable Communities – Best Practice Guidelines*'. No.4(i)(c) requires attic storage space to be provided, and (d) requires that the downstairs WC is located off the utility room or hallway demonstrating compliance with Building Regulations.
- 3.1.4. Condition no.5 requires the omission of one car parking space and requires provision of a revised landscaping plan.
- 3.1.5. Condition no.7 requires Part V agreement.

3.2. **Planning Authority Reports**

3.2.1. **Planning Reports**

The Planner's Report is the basis for the Planning Authority's decision. In summary it includes:

- Proposal is on site zoned RES-N and is therefore acceptable in principle.
- Proposal is not considered to be a significant departure from previously approved development in terms of general spatial form.
- Notes that Type F living room width at 3.55m does not comply with the *Quality Housing for Sustainable Communities – Best Practice Guidelines* requirement of 3.6m, nor is width of double bedroom at 2.5m meeting minimum requirement of 2.8m.
- Considers storage at attic level should be provided with attic access for both unit types.
- Notes a WC is proposed off the living room area. Notes that while this is a Building Control matter, it is not acceptable to the Planning Authority and it should be located off the utility room or hallway.
- Having regard to substandard widths and areas in House Type F and the lack of internal storage, bin storage and planting in parking bays, it is considered

that the reduction of House Type F by one unit from 5 to 4 would provide flexibility to improve the proposal and bring it up to the required standards. Considers that this can be dealt with by way of condition.

- Consider that landscaping issues can be dealt with by way of condition.
- Notes 18 car parking spaces indicated on site layout but application states that 17 are provided. Parking considered acceptable. However, layout of parking and public realm not acceptable due to lack of planting. Applicant can be required to submit a revised scheme which can reduce parking to 17 spaces due to intention to reduce number of dwellings to 9.
- Considers that boundary treatment of previous application was acceptable, and all conditions of parent permission shall apply.
- Housing section recommend a condition relating to Part V, as well as a condition for refuse storage.
- Concludes that proposal is acceptable and recommends permission is granted.

The decision is in accordance with the Planner's recommendation.

3.2.2. Other Technical Reports

- **Environmental Services Department:** No objection subject to conditions.
- **Roads Section:** No objection.
- **Parks and Landscaping:** Additional Information requested.
- **Public Lighting:** No report.
- **Housing Strategy Unit:** No objection subject to conditions.
- **EHO:** No report.

3.3. Prescribed Bodies

- **Irish Water:** No objection subject to conditions.

3.4. Third Party Observations

There were 8 no. third party submissions received. Concerns included misrepresentations of estate layout from marketing material, property values, parking and traffic, landscaping and social housing. These issues are addressed further in the appeal in section 6 below.

4.0 Planning History

There is planning history associated with the site. Of relevance:

- **SD16A/0229:** Permission was granted in August 2016 for the development of 113 no. 2 and 3 storey, 3 and 4 bedroomed dwellings on the site. This is the parent permission.
- **SD15A/0217:** Permission was refused in April 2016 for 117 dwellings on the site. There were 3 reasons for refusal. Two of the reasons related to the location of sanitary services which are now identified as wayleaves. Surface water was the reason for refusal no.3.

A significant number of planning applications have been lodged on lands to the north and east by the same developer for the development now known as Broadfield Manor.

5.0 Policy Context

5.1. South Dublin County Development Plan 2016 – 2022

5.1.1. Chapter 2 of the Plan refers to Housing, and Chapter 11 refers to Implementation.

5.1.2. Chapter 2 refers to Housing. Housing **(H) Policy 6** Sustainable Communities states:

It is the policy of the Council to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.

H8 Objective 6 states:

To apply the provisions contained in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) relating to Outer Suburban locations, including a density range of 35-50 units per hectare, to greenfield sites that are zoned residential (RES or RES-N) and are not subject to a SDZ designation, a Local Area Plan and/or an approved plan, excluding lands within the M50 and lands on the edge or within the Small Towns/ Villages in the County.

5.1.3. Section 2.2.4 refers to Mix of Dwelling Types. **Policy H10** states:

It is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the Interim South Dublin County Council Housing Strategy 2016-2022.

5.1.4. Section 2.3.4 refers to Internal Residential Accommodation. **Policy H14** states:

It is the policy of the Council to ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long term needs of a variety of household types and sizes.

5.1.5. Chapter 11 refers to Implementation. Table 11.20 provides standards for houses and private open space. Two bedroom houses are to be a minimum of 80sq.m and have 55sq.m open space. Three bedroom houses are to be a minimum of 92sq.m and have 60sq.m open space.

5.1.6. Section 11.4.0 refers to Transport and Mobility. The area is considered to be in Zone 1 and therefore maximum parking rates for houses are 1.5 space per 2 bedroom and 2 spaces for 3 bedroom +.

5.2. Quality Housing for Sustainable Communities – Best Practice Guidelines 2007

5.2.1. Section 5.3.2 refers to minimum room sizes for houses. A two storey, 2-bedroom, 3 person house requires a minimum floor area of 70sq.m, a minimum living room area of 13sq.m, an aggregate living area of 28sq.m, and an aggregate bedroom area of 20sq.m. The area of a single bedroom should be at least 7.1sq.m and the area of the

main bedroom should be at least 13sq.m in a dwelling designed to accommodate three or more persons.

- 5.2.2. The recommended minimum unobstructed living room widths are 3.6m for two bedroom, and the minimum room widths for bedrooms are 2.8m for double bedrooms and 2.1m for single bedrooms.

5.3. **Natural Heritage Designations**

The Glenasmole Valley SAC (Site Code 001209) is located c. 7.5km to the south-east of the site.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. There are two third party appeals against the decision to grant permission and one first party appeal against a condition.
- 6.1.2. In summary the third party appeals include:
- **Part V:** How is Part V to interact with previous Part V proposal? It is not clear where the allocation is to be provided within the site. Concerns with a lack of integration – concerned that the full allocation of Part V housing for the whole site will be provided in this single location – understand previous Part V units identified have been sold privately. State that a similar over-concentration of Part V housing occurred in the neighbouring Broadfield Manor estate which was developed by the same applicant. Locating in one area would be contrary to best practice and the Part V proposal on the previously approved scheme, and would be inconsistent with H1 objective 4 of the Plan. Unclear if social houses will be ‘pepper-potted’ throughout the development.
 - **Negative Impact on Property Values:** Value of properties in the cul-de-sac will be reduced. It will mostly affect unit no.101 due to a reduction in access to the front of their property, cramped parking conditions within their plot and loss of side garden to parking purposes.

- Aggrieved that unit no.101 was purchased on the basis of locational and development circumstances already approved through the planning process which may no longer apply.
- Negative impact on Residential Amenity: There is a substantial change to the front of property no. 101 to accommodate the hammerhead. Additional parking is located outside appellant's home which will generate additional pedestrian and vehicular traffic.
- Negative Impact on Road Safety: Ability of occupier of no.101 to park two cars safely is fatally compromised. Appellant cannot park on street in front of property as his roadside frontage will be used for vehicle using hammerhead parking. Dimensions of previously approved hammerhead have been reduced and turning area is still below recommended dimensions. It is highly unusual to locate parking spaces within a turning area. There is no consideration given by the Roads Engineer to any of the concerns previously expressed – there is no comment or assessment on the principle of parking bays within a hammerhead, the technical adequacy of the turning area or the impact on the appellant's access.
- Technical assessment provided by appellant. The appellant's Consultant Engineers consider the addition of car parking spaces at a hammerhead to be unorthodox and contrary to best practice. Layout of new parking reduces the width to access the appellant's dwelling at the end of the cul-de-sac and is contrary to Policy H12.
- Note subject row of houses were marked as 'sold' when appellants bought their houses. This is a gross misrepresentation by the developer.
- Amount of on-street parking is not feasible in this small cul-de-sac. Parking will be on three sides of the road.
- Proposal does not align with DMURS and is contrary to TM7 Objective 2 and 3 of the Development Plan.
- Development is of lower quality houses which would not be in keeping with the rest of the development and would constitute substandard over development. Consider precedent exists for refusing permission due to such

issues (PA Reg. Ref.3280/17) which was overturned by the Board¹. Consider policy H11 is contravened.

- Refute applicant's assertion that this is a 'minor' modification and consider it to be a 'major' modification with major consequences for residents.

A first party appeal against a condition has been submitted. In summary it includes:

- Consider that this is a simple application for a change of house type and increase from 7 to 10 dwellings. Similar house types and typologies have been permitted and constructed under the parent permission.
- The Council required that one Type F unit was omitted. Submit that the floor areas and widths are in compliance with the CDP and the *Quality Housing for Sustainable Communities – Best Practice Guidelines*. A table is provided and a drawing is attached to the appeal demonstrating compliance within the building envelope. Do not consider it necessary to omit a Type F unit as this unit achieves the required standards for internal accommodation.
- Decision to omit one dwelling on a site that can accommodate same would be contrary to the proper planning and sustainable development of the area and contrary to housing policy for the area.
- Overall density is 30 dwellings per hectare. The proposal results in no change to the density.
- There is no impact on the residential amenities of the existing residents – the proposal to increase the units from 7 to 10 will have no effect on the permitted pattern or scale of the overall development.
- Private open space is more than the minimum requirements.
- Drawings enclosed demonstrate that the floor areas of the dwellings can be internally modified in a very slight fashion to comply with requirements. This results in an increase in width of 250mm for the terrace block which is considered minimal and can be accommodated on the site. Submit that the room width for a double bedroom is 4.5m when the drawings are read correctly. Storage is acceptable.

¹ No ABP reference provided.

- Proposed location for the WC has been relocated.
- Landscaping will be delivered as per the overall permitted development. Site Layout submitted which demonstrates that the application site can adequately accommodate the space for bin storage, landscaping and boundary treatment.
- 18 car park spaces are provided and the layout can incorporate planting and boundary treatment. Do not consider it necessary to omit a parking space.
- Conclude that the proposal to provide 2 and 3 bed roomed houses adds to the overall mix of housing and the houses are in compliance with standards.

6.2. Applicant Response

The applicant was provided an opportunity to respond to the third party appeals. In summary it includes:

- Subject application seeks to provide an increased variety of house types within the development.
- Construction is ongoing with many of the dwellings sold or about to be occupied.
- Appeals do not contain bona fide grounds for appeal. Appellants have raised queries that have already been answered as part of the first party appeal submitted.
- Parking: Car parking has been provided to comply with Development Plan standards. In total 18 spaces are being provided. The parking provision has been accepted as per the parent permission and this proposal does not modify this provision.
- Residential Amenities: Three additional units are proposed which will have no effect on the permitted pattern or scale of the overall development. Roads Department have no objections.
- The road layout has not been modified and has been accepted by the Council under the parent permission. Road Six will still serve 8 properties to the south and will allow for safe access and egress to their properties. The site is

sufficient to accommodate the proposal providing adequate private open space and parking and complying with area standards.

- Part V: The applicant must comply with Part V and is duly bound to do so. The applicant is engaging with the Council in reaching a Part V agreement for the overall development. Upon a grant of permission, the applicant will not hesitate in complying with same. The subject proposal should be assessed on its merits and should not be based on assertions that do not form genuine or bona fide grounds of appeal. This application for permission, if granted, will be subject to conditions to which the applicant will fully comply.
- Property Values: Assertions of reduction in property value is speculative at most. It will not impact on the neighbouring properties. The Council have already accepted the provision of on-street parking at this location under the current proposal and an appeal (first party) submitted to the Board demonstrates the case for 10 dwellings as opposed to 9.
- Many contemporary housing schemes have a mix of on-curtilage and on-street parking which is recommended from an urban design point of view, as streets that have a mix of car parking types breaks up the monotonous look. The car parking and turning head have been permitted by the Council under the parent permission and this application does not seek to change this.
- Concludes that the principle of development has been accepted under the parent permission and only a minor modification is proposed. It will integrate with the use and provide for lifecycle requirements for future families.

6.3. Planning Authority Response

The Planning Authority responded confirming their decision and consider that the issues raised in the appeal have been covered in the Planner's Report,

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and I am satisfied that no other substantive issues arise. The issue of appropriate assessment also needs to be addressed. There is overlap between the first and third party

appeals and therefore I intend to address appeals jointly. The issues can be dealt with under the following headings:

- Principle of amendment and compliance with standards
- Parking and Road Safety
- Residential Amenities
- Part V
- Appropriate Assessment

7.1. Principle of amendment and compliance with standards

- 7.1.1. The site is zoned RES-N '*To provide for new Residential Communities in accordance with approved Area Plans*'. The principle of development of dwellings is clearly in accordance with the land use zoning objectives.
- 7.1.2. The third parties query the type of houses now proposed. The parent permission permitted 7 no. 4 bedroomed dwellings – 6 semi-detached and 1 detached on the northern side of Road Six. The appellants state that the developer sold them their houses (on the southern side of Road Six) on the basis that the subject dwellings on the northern side were 'sold' and were of the form as permitted under the parent permission. It is stated that this is a gross misrepresentation on the applicant's part. Whilst this is a significant concern for the residents, I am of the view that the sales of houses and contracts therein are not a matter for the Board, and I will proceed to assess the proposal on planning grounds.
- 7.1.3. The development proposed is for two terrace blocks of five houses each, all two storey. One block comprises 5 no. 2 bedroom dwellings and the other block comprises 5 no. 3 bedroom dwellings. As part of the Planning Authority's decision to grant permission, one of the conditions required the reduction in the number of 2 bedroom dwellings from 5 to 4. This was due to concerns with sizes of dwellings which I will address further below.
- 7.1.4. I note that throughout the development there are terrace blocks, most notably units no's. 31 – 35 and around the corner from the subject site, units 91 – 93. Therefore,

this proposal does not introduce a new typology into the overall development. Furthermore, I consider the introduction of 2 bedroom dwellings to be fully in accordance with the Development Plan policy H10 which seeks to *ensure that a wide variety of adaptable housing types, sizes and tenures are provided.*

- 7.1.5. Therefore, I am of the opinion that the change of house types is acceptable.
- 7.1.6. The next issue raised is with respect to the number of units proposed. The initial proposal requested 10 dwellings on the site which was reduced by condition to 9 as noted above due to the reduction of one house Type F, a 2 bedroomed unit. With respect to house Type F, the Planning Authority noted that the proposal was slightly below the standards in the *Quality Housing for Sustainable Communities – Best Practice Guidelines*. The living room width was 3.55m as opposed to 3.6m required and the second bedroom width was 2.5m as opposed to 2.8m. The Planning Authority considered that the reduction of one unit would provide the applicant flexibility to amend the design and comply with the standards.
- 7.1.7. As part of the first party's appeal against this condition, they submitted drawings showing a slight alteration in the dwelling sizes to ensure the width of the living rooms is increased from 3.55m to 3.6m to comply. I consider this amendment acceptable, however an increase in the overall width of 200mm is indicated on the drawings when this should reflect a 250mm increase. Should the Board be of a mind to grant permission this can be addressed by way of condition requiring revised drawings, as I consider an overall increase of 250mm will not affect the layout materially.
- 7.1.8. As part of the appeal there is no change proposed for the bedroom widths and the applicant considers that the width is 4.5m when the drawings are read correctly. The table accompanying the appeal states that the minimum width is 2.8m (table 1). This is not borne out on the drawings which continues to indicate the second bedroom as being 4.6m by 2.5m in width. The minimum width is therefore not 2.8m regardless of what way the drawings are read. Notwithstanding this, I consider that this issue can be addressed by way of condition. I note that the house Type J extends deeper than house Type F. I am of the opinion that should the Board decide to grant permission, the house design should be amended to provide for an increase in the depth of the dwelling to provide for a minimum width of 2.8m for the second bedroom. The overall

site has the capacity to accept this increase in depth. This will not result in a back garden length being less than the required standard of 11m, as currently the back gardens are indicated as being 11.93m in length, and will only result in a minor reduction in private open space.

- 7.1.9. The Planning Authority also refer to concerns with the lack of a planting scheme to break up the parking and the lack of provision of bin storage, with respect to reasons for reducing the number of units. The drawings submitted with the appeal, indicate a revised parking layout to provide for planting between car parking spaces and the provision of bin storage areas for the mid terrace dwellings. I consider that this revised proposal is acceptable, and with a suitable condition requiring the applicant to submit a detailed landscaping plan for the front of the dwellings, I am satisfied that the subject proposal is acceptable.
- 7.1.10. To conclude, I am satisfied that the proposed development is acceptable subject to conditions relating to design and landscaping. It is in accordance with the land use zoning principles; the principle of terraced dwellings in this development is already established; and, subject to compliance with amendments by way of condition, would be in accordance with the standards for dwellings as detailed in the *Quality Housing for Sustainable Communities – Best Practice Guidelines*.

7.2. Parking and Road Safety

- 7.2.1. The two third parties raised concerns with the parking layout and road safety. One of the third parties is the owner of the unit identified as no.101, the dwelling in the corner on the southern side of Road Six, who feels most aggrieved by the parking situation that is proposed. He is of the opinion that his ability to park two cars is fatally compromised.
- 7.2.2. Reviewing the original site layout as indicated on drawing SW04 submitted with the application, it appears that his off-street parking would be to the side of his dwelling, rather than to the front. Off-street parking for the remainder of the dwellings on the southern side of Road Six is to the front of each dwelling. This situation appears unchanged in the revised proposal; however, I do agree that access to the side of unit no.101 could be more difficult having regard to the proposal for car parking spaces to the rear of the hammerhead now.

- 7.2.3. I note that the number of car parking spaces was referred to extensively in the documentation on file. 18 car parking spaces are shown on drawing SW02 for the 10 dwellings. The Planning Authority considered that this could be reduced to 17 spaces having regard to the reduction in dwelling numbers from 10 to 9.
- 7.2.4. The 18 spaces are provided as a maximum in accordance with Development Plan standards based on Zone 1:
- 1.5 spaces per 2 bed houses = $5 \times 1.5 = 7.5$
- 2 spaces per 3 bed houses = $5 \times 2 = 10$
- Plus 1 visitor spaces = 1
- Total of 18 spaces maximum.
- 7.2.5. I am of the view that the car parking space nearest the unit no.101 should be omitted and replaced with open space. This will result in 17 spaces and provide ease of access to unit no.101 thereby avoiding conflict with parked cars. Another alternative the Board may wish to consider is that the 18th space is provided solely for the occupants of no.101.
- 7.2.6. The second third party expresses concerns with the increased number of vehicular movements due to the increase in the number of parking spaces within the cul-de-sac. They also express concerns with the fact that the parking is now on-street which they consider will have a direct impact on the developer's capacity to provide a safe traffic-calmed street.
- 7.2.7. Clearly there will be an increase of parking spaces from 14 for the original proposal up to 17. However, I do not consider that the increase of 3 spaces and associated traffic movements will materially affect the safety of residents, nor will the fact that the parking is on-street versus off-street have a material effect. A mix of parking on-street and off-street is provided for throughout the development and indeed, on-street parking would appear to be the dominant parking arrangement throughout the estate. The Design Manual for Urban Roads and Streets (DMURS) explicitly supports a mix of parking types to help reduce traffic speeds. Therefore, I am satisfied with the proposed mix of on-street and off-street parking on Road Six.
- 7.2.8. The third parties are of the opinion that the hammerhead with parking to the rear is unorthodox and contrary to best practice. The applicant states that there is no

change proposed to the hammerhead arrangement to that previously permitted, with the exception that parking is now to the rear. I note that this arrangement whereby parking is located in hammerheads is already established within the development. Regardless, I am satisfied that this is a cul-de-sac located to the rear of the development and as a result will not be subject to heavy traffic. The number of dwellings is low and as a result of the design, traffic speed is also likely to be low. I do not consider the hammerhead arrangement reason to warrant a refusal of permission for the subject proposal.

7.3. Residential Amenities

- 7.3.1. The third parties consider that the proposal will have a negative impact on their residential amenities and decrease property values. The specific impacts on residential amenities referred to are the generation of additional pedestrian and vehicular traffic movements due to the increase in the number of dwellings. As noted above with respect to parking and road safety, I am of the view that an increase in the number of dwellings from 7 to 10 will not have a significant impact on the number of movements over and above those already permitted.
- 7.3.2. The privacy and security of the residents is questioned as a result of the additional dwellings. I am of the view that an additional 3 dwellings will not impact on privacy and security. The layout and the distance between dwellings is designed in accordance with minimum standards. I do not agree that there will be an unacceptable impact on privacy or security as a result of the proposed increase in dwelling numbers.

7.4. Part V

- 7.4.1. Concerns are expressed by both third parties with respect to the Part V arrangements. It is stated that the original layout in which the Part V dwellings were 'pepper potted' throughout the development is no longer the case, as these dwellings were sold on the private market. As a result, they are concerned that the subject dwellings will form a cluster of Part V units all in a single location. It is considered that this is contrary to Development Plan policy and the provisions of the Planning and Development Act 2000, as amended. It is noted that the only calculation

presented for affordable provision relates to house Type F, and it is queried if house Type J units are to be included in the Part V agreement. The transparency of the Part V process is stated as being a cause for concern.

7.4.2. The applicant in response to the appeal states that an applicant must make a Part V proposal when applying for permission, and in the event that a condition is attached then the applicant is duly bound to comply with their Part V obligations. It is stated that the applicant has made proposals to comply, and are engaging with the Council in reaching an agreement for the overall Rathmill Manor development. It is stated that the applicant in the event of a grant of permission will not hesitate to comply with same.

7.4.3. I am of the opinion that Part V arrangements are a matter for the Council and the applicant to agree on, and Development Plan policies and the Planning Act provide for the location of the units. The Planning and Development Act is very clear in terms of the applicant's obligation to comply with Part V. The applicant submits that they have every intention of complying with an agreement reached with the Council. I am satisfied that a condition providing that the applicant must agree the Part V proposal with the Planning Authority, and in the event of a dispute the matter can be referred back to the Board for determination, can be appended should the Board consider granting permission.

7.5. **Appropriate Assessment**

Having regard to the nature and scale of development proposed for retention and to the nature of the receiving environment, namely an urban environment, no appropriate assessment issues arise and it is not considered that the proposed development for retention would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 **Recommendation**

8.1. I recommend that permission should be granted for the proposed development subject to conditions

9.0 Reasons and Considerations

Having regard to the residential zoning of the site under the South Dublin County Development Plan 2016 - 2022, and compliance with the development standards as set out in the South Dublin County Development Plan 2016 – 2022, it is considered that the proposed development, subject to compliance with the conditions below, would not detract from the character of the area, would not seriously injure the residential or visual amenities of the area, and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and by the further plans and particulars received by An Bord Pleanála on the 29th day of May, 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the permission granted on 3rd day of October 2016 under planning register reference number SD16A/0229, and any agreements entered into thereunder.

Reason: In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. The proposed development shall be amended as follows:

(a) Redesign of Type F units such that the all room widths and areas comply with the requirements of the document '*Quality Housing for Sustainable Communities – Best Practice Guidelines*' published by the Department of Environment, Housing and Local Government, 2007. The living room width shall be a minimum of 3.6 metres and the width of bedroom two shall be a minimum of 2.8 metres.

(b) The car parking space closest to unit number 101 shall be omitted and replaced with open space.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

5. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.

6. Water supply and drainage arrangements, including the disposal of surface

water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

7. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

8. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

9. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the

Development Contribution Scheme made under section 48 of the Act be applied to the permission.

10. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

Ciara Kellett

Senior Planning Inspector

20th August 2018